

HOUSE RESOURCE AND CONSERVATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2005 Legislative Session

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IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0401

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 1, 2003.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that the agency has adopted a temporary rule. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking: The changes in Rules 044 and 045 would provide that guides are licensed to fill job duties of the respective outfitters based upon terrain and services of the guide rendered. Designations for guides would be:

Level I Ski Guide: Qualified to lead ski tours in Outfitter's Operating area. (Non-hazardous terrain)

Level II Ski Guide: In depth ski guiding experience/hazardous terrain.

Ski Guide Trainee: Assisting guide or operator on functions of Operation.

Qualifications for License:

Level I Ski Guide (non-hazardous terrain)

One year training as a ski guides assistant in a non-hazardous backcountry setting.

Standard First Aid Training (as per guide licensing Idaho).

Level I: Field-based Avalanche Training (24 hours), knowledge of Operators Scope of Operation (logistics, services, terrain), letter of reference form the employing Outfitter. Level I Ski Guides may work in hazardous terrain under the supervision of a Level II Ski Guide.

Level II Ski Guide (hazardous terrain)

Two winter seasons training with Licensed Level II Ski Outfitter; or equivalent work experience with another.

Level II Ski operations which conduct services principally in hazardous (avalanche terrain).

Advanced First Aid, WFR, or EMT (minimum 48 Hours).

Level I and Level II Field based Avalanche Training (48 Hours).

Knowledge of Outfitter's Scope of Operations: logistics, services, terrain, and letter of reference from employing Outfitter.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Temporary rules have been adopted and are being implemented to protect the public health, safety and welfare. Temporary rule changes are needed because under the previous license categories for ski guiding the IOGLB issued licenses for "Backcountry Alpine Skiing" for those on downhill skiing equipment that most generally operate with snowcats or helicopters, and "Cross Country Skiing" for those that guide on touring equipment. The new ski guide rule proposal is to issue licenses based upon the type of "terrain" the

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applicant is guiding rather than the type of equipment that is being utilized by the outfitter or guide. This better protects the public health, safety and welfare of the public by assuring that the guide is qualified to operate on the specific terrain and not necessarily the type of equipment used.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees imposed or increased.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact: Jake Howard, Executive Director, (208) 327-7380 - FAX 327-7382.

DATED this 6th day of January, 2004.

Jake Howard, Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706
(208) 327-7380, FAX (208) 327-73820

THE FOLLOWING IS THE TEXT OF DOCKET NO. 25-0101-0401

044. ~~CROSS COUNTRY SKI GUIDE~~ SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE.

~~Cross-country ski guide applicants may be licensed in several ways, depending upon training, expertise, and skill levels.~~ An outfitter or guide must submit an outfitter or a guide application with current outfitter operating plan, ski resume, avalanche training certificates, appropriate fees and proof of first aid card. The Board will then send this information to the Technical Advisory Committee (TAC) for evaluation. The TAC will designate or determine the scope of the outfitting operation and whether guiding principally in non-hazardous or hazardous terrain and license the outfitter as either Level I Ski Operator (non-hazardous terrain, principally sub-alpine or skiing operations in forests) or a Level II Ski Operator (hazardous terrain with a high degree of avalanche exposure). Guides are licensed to fill job duties of the respective outfitters based upon terrain and services of the guide rendered. Designations and qualifications for guides outfitters, designated agents and trainees are as follows: (4-1-92)(12-1-03)T

01. ~~Apprentice Guide (Trainee).~~ ~~Not qualified to guide alone, but may assist in guiding day trips under the direct leadership of a guide or lead guide, or may assist on overnight trips under the direct supervision of a lead guide only. An apprentice or trainee guide must have the same general knowledge as a ski guide, but has not passed the qualifying backcountry program in order to qualify as a guide or lead guide.~~ **Level I Ski Guide (Non-Hazardous Terrain).** Is qualified to lead ski tours in the outfitter's operating area. One (1) year training as a ski guide assistant in a non-hazardous backcountry setting. Level I Ski Guides may work in hazardous terrain as a Level II Ski Guide Trainee under the supervision of a Level II Ski Guide.

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Level I Ski Guides are required to have:

~~(4-1-92)~~(12-1-03)T

- a. Standard First Aid training as per guide licensing in Idaho; (12-1-03)T
- b. Level I field-based avalanche training consisting of a twenty-four (24) hour curriculum submitted and an instructor roster; (12-1-03)T
- c. Knowledge of Outfitters Scope of Operation including logistics, services, terrain;
and (12-1-03)T
- d. A letter of reference from the employing outfitter. (12-1-03)T

02. ~~Guide (Associate Certified Backcountry – PSIA). Qualified only to guide day trips in non-hazardous terrain or assist in guiding day or overnight trips in hazardous terrain under the direct leadership of a lead guide. To obtain a license as a guide, the applicant shall have met all the general requirements for a guide license and must have good ability to ski, leadership qualities, knowledge of route selection, map and compass reading, emergency shelter technique and equipment including a minimum first aid kit, awareness of hypothermia and avalanche conditions, and must have passed the qualifying backcountry program to become a ski guide.~~ Level II Ski Guide (Hazardous Terrain). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: ~~(4-1-92)~~(12-1-03)T

- a. Two (2) winter seasons training with Licensed Level II Ski Outfitter or Guide or equivalent work experience with another Level II ski operation which conduct services principally in hazardous or avalanche terrain; (12-1-03)T
- b. Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; (12-1-03)T
- c. Level 1 and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; (12-1-03)T
- d. Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and (12-1-03)T
- e. A letter of reference from the employing outfitter. (12-1-03)T

03. ~~Lead Guide (Full Certified Backcountry – PSIA). Fully qualified to guide day and overnight trips in any terrain.~~ Outfitters. Outfitters who conduct winter ski-based operations may be designated as: ~~(4-1-92)~~(12-1-03)T

a. ~~To obtain a license as a lead cross-country ski guide, the applicant shall have passed a backcountry qualifying examination and obtained full certification from a division of the Professional Ski Instructors Association (PSIA) or from an organization with similar training and examining procedures which are acceptable to the Board, or have passed a qualified program for guiding skiing that is acceptable to the Board. The Board reserves the right to investigate the training program and examining procedures of any organization whose certification is submitted as a qualification for a license. The guide must have experience guiding in areas of equivalent~~

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~~terrain to the operating area(s) requested. He must have also accompanied a licensed lead ski guide on a minimum of three (3) overnight tours. A log shall be submitted giving dates, miles traveled, location of trips, and shall be signed by the lead guide. All overnight ski tours shall be under the direct leadership of a licensed lead ski guide. "Direct leadership" means the licensed lead ski guide shall accompany the group for the entire tour. Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain;~~

~~(4-1-92)(12-1-03)T~~

b. Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or

(12-1-03)T

c. Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas.

(12-1-03)T

04. Outfitters Plan Of Operation. A detailed Outfitters Plan of Operation is required which includes a plan for snowpack, terrain and avalanche safety assessment, additional transport utilized (i.e., snowmobiles, snowcats, helicopters) and instruction and training plans of guides working around related equipment. Additional safety and training standards for guides must be detailed in the operating plan.

(12-1-03)T

05. Designated Agent. The Designated Agent must be a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation.

(12-1-03)T

06. Ski Guide Trainees. Trainees may be selected for employment by the outfitter and are not required to have a license. A trainee may only assist a licensed guide's direct supervision and trainees may not provide guided services to clients. Trainees must have thirty (30) days experience with a licensed ski guide in the outfitter's operating area and must meet all other guide requirements of Section 044 prior to submitting a guide application.

(12-1-03)T

045. ~~BACKCOUNTRY ALPINE SKI GUIDE (RESERVED).~~

~~Before conducting operations, all backcountry alpine ski guides must be licensed by the Board and employed by an outfitter who has an operating plan approved by the land manager. Guides must meet the following requirements:~~

~~(4-1-92)~~

01. ~~Avalanche Training.~~ ~~Have at least forty (40) hours avalanche training at a Forest Service school, an American Avalanche Institute, Sierra Avalanche seminars, or the equivalent.~~

~~(4-1-92)~~

02. ~~Radio Communications.~~ ~~Have radio communication knowledge.~~

~~(4-1-92)~~

03. ~~Skier Safety Rules.~~ ~~Have skier safety rules training.~~

~~(4-1-92)~~

04. ~~Other.~~ ~~Have passed the regular backcountry qualifying examination and obtained full certification from a division of the Professional Ski Instructors Association (PSIA) or a qualified program acceptable to the Board.~~

~~(4-1-92)~~

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IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.07 - STREAM CHANNEL ALTERATION RULES

DOCKET NO. 37-0307-0201

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 23, 2002.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 42-3803, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the temporary rulemaking:

The purpose of this rulemaking is to amend Rule 25 to provide that projects and activities approved under the Federal Clean Water Act (P.L. 92-500) are deemed to meet minimum standards in accordance with Section 42-3803(d), Idaho Code. The procedural requirements of Chapter 38, Title 42, Idaho Code, requiring the filing, processing and approval of an application for permit are dispensed with for a project or activity that obtains approval pursuant to the Federal Clean Water Act.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Protection of the public health, safety, or welfare.**

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because the changes being made bring the rule into compliance with Idaho law.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary proposed rule, contact Norman C. Young at (208) 327-7910.

DATED this 5th day of October, 2002.

Joe Jordan, Chairman
Idaho Water Resource Board
1301 N. Orchard
Boise, Idaho 83706
(208) 327-7910
(208) 327-7866 (Fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 37-0307-0201

025. EXEMPTIONS (Rule 25).

01. Work On Existing Or Proposed Reservoir Projects. Permits are not required

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under the provisions of Title 42, Chapter 38 for construction work on any existing or proposed reservoir project, including the dam, and such areas downstream as the Director may determine is reasonably necessary for construction and maintenance of the dam. (7-1-93)

02. Snake And Clearwater Rivers. Permits are not required for work within that portion of the Snake and Clearwater rivers from the state boundary upstream to the upper boundary of the Port of Lewiston Port District as it now exists or may exist in the future. (7-1-93)

03. Cleaning, Maintenance, Construction Or Repair Work. No permit is required of a water user or his agent to clean, maintain, construct, or repair any diversion structure, canal, ditch, or lateral or to remove any obstruction from a stream channel which is interfering with the delivery of any water under a valid existing water right or water right permit. (7-1-93)

04. Removal Of Debris. No permit is required for removal of debris from a stream channel provided that no equipment will be working in the channel and all material removed will be disposed of at some point outside the channel where it cannot again reenter the channel. (7-1-93)

05. Section 404 Permits Recognized. Projects and activities authorized under Section 404 of the Federal Clean Water Act (P.L. 92-500) meet the minimum standards of these rules. The procedural requirements of Chapter 38, Title 42, Idaho Code, requiring the filing, processing and approval of an application for permit are dispensed with as provided in Section 42-3803(d), Idaho Code, and an authorization for a project or activity pursuant to Section 404 of the Federal Clean Water Act is recognized as a permit under these rules implementing Chapter 38, Title 42, Idaho Code. (9-23-02)T